

December 6, 2007

Ronald C. Osborne, Director
Emergency Management Division
2779 Fish Hatchery Road
West Columbia, South Carolina 29172

Dear Mr. Osborne:

In a letter to this office you forwarded a proposed cooperative agreement between the State and local applicants who request funding under the Public Assistance (PA) program or the Hazard Mitigation Grant Program. You indicated that you refer to these agreements as State/Applicant Agreements for PA or HMGP. You asked for review by this office of such agreement.

Ordinarily, this office does not interpret contractual agreements where it has not participated in negotiation thereof. Nevertheless, I have reviewed the proposed agreement and it appears that such is reasonable. In particular, you asked that this office review Articles 6, 18f and 19 of the State/Applicant Agreement dealing with Required Documentation; Review/Inspection; the provision stating that the Subgrantee shall not be relieved of liability to the Grantee by virtue of any breach of Agreement by the Subgrantee; and the Hold Harmless clause. I have reviewed the proposed agreement and can offer no suggestions or criticisms. In the opinion of this office, the State of South Carolina, Office of the Adjutant General, Emergency Management Division has the authority to enter into this cooperative agreement and the terms of the agreement are enforceable.

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With kind regards, I am,

Very truly yours,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General